

Caron Nazario's Objections to Defendant Gutierrez's Proposed Trial Exhibits - DOC. 145

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Nazario's Objections	Reply
1	CN-4536	CN-4537	"Transit Permit" used by Nazario on December 5, 2020.	Fed. R. Evid. 401, 402, 403 (To the extent that the defendants will argue regarding the fact of its exparation, or that allegedly New York law does not permit its out of state useage. A fact not known or used during the traffic stop or any subsequent official paperwork.)	This exhibit is designated by the Plaintiff and the lack of visibility of this permit precipitated the traffic stop.
4			Expert Report of Scott Sautter, Ph.D.	This is a defense expert - Fed. R. Evid. 802.	Withdrawn.
5			Expert Report of Keyhill Sheorn, M.D.	This is a defense expert - Fed. R. Evid. 802; and Daubert Motion in liminie, Docs. 122 and 123, whose arguments and objections are incorporated herein by reference.	Withdrawn.
6			Expert Report of Kenneth Wallentine	This is a defense expert - Fed. R. Evid. 802; and Daubert Motion in liminie, Docs. 126 and 127, whose arguments and objections are incorporated herein by reference.	Withdrawn.
7			Expert Report of Brandon Tatum	This is a defense expert - Fed. R. Evid. 802; and Daubert Motion in liminie, Docs. 122 and 123, whose arguments are incorporated herein	Withdrawn.

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8			DMV News Release, September 1, 2020	Fed. R. Evid. 401, 402, 901.	Rebuttal evidence to Plaintiff's proposed jury instruction and argument that the Virginia Governor's Executive Directives extended the deadline for vehicle credentials to November 30, 2020 when the correct date was October 30, 2020.

Caron Nazario's Objections to Defendant Crocker's Proposed Trial Exhibits - DOC. 142

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Nazario's Objections	Reply
3	CN-3		Body Worn Camera Footage - Joseph Gutierrez	Fed. R. Evid. 802.	Plaintiff designated this in his Exhibit list and in his Complaint; thus Plaintiff has stipulated by his pleadings to the admissibility, authenticity, and relevance of this video.
4	CN-4		Body Worn Camera Footage - Daniel Crocker	Fed. R. Evid. 802.	Plaintiff designated this in his Exhibit list and in his Complaint; thus Plaintiff has stipulated by his pleadings to the admissibility, authenticity, and relevance of this video.
5	CN-5		Body Worn Camera Footage - Daniel Crocker	Fed. R. Evid. 802.	Plaintiff designated this in his Exhibit list and in his Complaint; thus Plaintiff has stipulated by his pleadings to the admissibility, authenticity, and relevance of this video.
7	CN-4536	CN-4537	"Transit Permit" used by Nazario on December 5, 2020.	Fed. R. Evid. 401, 402, 403 (To the extent that the defendants will argue regarding the fact of its exparation, or that allegedly New York law does not permit its out of state useage. A fact not known or used during the traffic stop or any subsequent official paperwork.)	This exhibit is designated by the Plaintiff and the license tag/transit permit is a central issue in this lawsuit as the lack of visibility thereof precipitated the traffic stop that set off the chain of events underlying this entire trial.
8	CN-263	CN-264	Isle of Wight Emergency Communications radio traffic from Windsor Police stop of Caron Nazario on 2020.11.07 and 2020.12.05	Incomplete in so far as it excludes the relevant body worn camera footage. Fed. R. Evid. 802.	Crocker has designated the body worn camera footage. (Date corrected to 2020.11.07)

Caron Nazario's Objections to Defendant Gutierrez's Proposed Trial Exhibits - DOC. 145

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Nazario's Objections	Reply
20			Daniel Crocker video dated December 28, 2021.	Rule 401 and 402. This exhibit is subject to a Motion in limine, Docs. 138 and 139, whose arguments and objections are incorporated herein by reference.	See Opposition to motion in limine, Doc. 163
DOCUMENTS AND EXHIBITS DEFENDANT CROCKER MAY USE IF NECESSARY					
Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Nazario's Objections	Reply
1			Brandon Tatum YouTube Channel Post: https://www.youtube.com/watch?v=VgBMnJyOiT0	This is the a defense expert - Fed. R. Evid. 802.	This exhibit is designated by the Plaintiff; objections to Plaintiff's own exhibit are disingenuous. Having said that, Crocker intends to introduce this video only if appropriate in rebuttal based on Plaintiff's examination or cross-examination of Brandon Tatum
2			September 1, 2020 Virginia DMV Release	Fed. R. Evid. 401, 402, 901.	Rebuttal evidence to Plaintiff's proposed jury instruction and argument that the Virginia Governor's Executive Directives extended the deadline for vehicle credentials to November 30, 2020 when the correct date was October 30, 2020.
DEMONSTRATIVE DOCUMENTS AND EXHIBITS DEFENDANT CROCKER MAY USE IF NECESSARY					
Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Nazario's Objections	Reply

Caron Nazario's Objections to Defendant Gutierrez's Proposed Trial Exhibits - DOC. 145

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Nazario's Objections	Reply
1			Stopwatch	Fed. R. Evid. 401 and 403, and lack of substantial similarity, <i>e.g. E.g., United States v. Stewart-Carrasquillo</i> , 997 F.3d 408, 422 (1st Cir. 2021); <i>United States v. Jackson</i> , 479 F.3d 485, 489 (7th Cir. 2007); <i>United States v. Baldwin</i> , 418 F.3d 575, 580 (6th Cir. 2005); <i>United States v. Birch</i> , 39 F.3d 1089, 1092-93 (10th Cir. 1994); <i>United States v. Russell</i> , 971 F.2d 1098, 1106 (4th Cir. 1992).	Crocker intends to use the stopwatch as a demonstrative for illustrating a specified time period upon proper foundation and relevance will be established at trial.

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
1	CN-1		Cellphone Footage from Caron Nazario	Rule 401; Rule 403 (Cumulative); Rule 608; Specifically, Crocker objects to the portion of the video and audio continuing after the conclusion of the traffic stop	The video is relevant under 401 as it shows what Lt. Nazario's actions during the traffic stop were - relevant to claims that Lt. Nazario was not and had not complied. Any cumulative nature does not substantially outweigh its prejudicial value as the video contains footage and admissions not captured on the Defendants' body worn camera footage. Crocker has indicated that in his opinion the traffic stop ended when Gutierrez took Lt. Nazario out of handcuffs, however the had still prolonged the same as the defendants would not let Lt. Nazario drive until after his eyes cleared - some thirty minutes after defendant Gutierrez removed the cuffs. Further, the video captures admissions by Gutierrez, not captured on Crocker's video (as Crocker was not present) and not captured by Gutierrez's camera as it was not functioning, but after the cuffs had been removed. Thus it is not cumulative as envisioned by Rule 403. Regarding Rule 608 - while the defendants a myriad of false statements in this video, it is not being offered to attack their credibility.

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
2	CN-2		Cellphone Footage from Caron Nazario	Rule 401; Rule 403 (Cumulative); Rule 608; Specifically, Crocker objects to the portion of the video and audio continuing after the conclusion of the traffic stop	The video is relevant under 401 as it shows what Lt. Nazario's actions during the traffic stop were - relevant to claims that Lt. Nazario was not and had not complied. Any cumulative nature does not substantially outweigh its prejudicial value as the video contains footage and admissions not captured on the Defendants' body worn camera footage. Crocker has indicated that in his opinion the traffic stop ended when Gutierrez took Lt. Nazario out of handcuffs, however the had still prolonged the same as the defendants would not let Lt. Nazario drive until after his eyes cleared - some thirty minutes after defendant Gutierrez removed the cuffs. Further, the video captures admissions by Gutierrez, not captured on Crocker's video (as Crocker was not present) and not captured by Gutierrez's camera as it was not functioning, but after the cuffs had been removed. Thus it is not cumulative as envisioned by Rule 403. Regarding Rule 608 - while the defendants a myriad of false statements in this video, it is not being offered to attack their credibility.
6	CN-10	CN-15 - IBR	To include Daniel Crocker's Reporting Officer Narrative, Incident Report Suspect List, Incident Report Vehicle List.		
7	CN-16	CN-17	Incident Report Narrative – Joseph Raymond Gutierrez.		
8	C-18		Witness Subpoena Request.	Rule 401; Rule 802	This document is not hearsay - defendant Crocker created the same, Rule 801(d)(2) and any statements not from Crocker are admissible hearsay under Rules 803(6) and 803(8). It is relevant insofar as it demonstrates, <i>inter alia</i> , malice by demonstrating that Crocker was preparing to charge Lt. Nazario with, <i>inter alia</i> assault on a law enforcement officer.
9	CN-19	CN-21	Isle of Wight County Event Report 2020-087291.		
11	CN-27		GOOGLE Maps Screenshot US460 West.	Rule 401; objection to the annotations on the map; not to the map itself	The Plaintiff will remove the annotations.

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits					
Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
12	CN-28		Urban Dictionary – Ride the Lightning	Rule 401; Rule 802; Rule 403; Pending motion in limine ("MIL")	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Docs. 169 and 173 herein by reference.
16	CN-106	CN-107	Joseph Raymond Gutierrez Robinson narrative dated 2019.04.20 from Isle of Wight County Sheriff's Office.	Rule 401; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170 , herein by reference.
17	CN-109	CN-113	Isle of Wight County Internal Affairs investigative report dated 2019.04.18 from then Lt. Tommy. O. Potter investigating the Robinson use of force.	Rule 401; Rule 802; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170 , herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The document is admissible hearsay pursuant to Rule 803(6) and 803(8).
18	CN-115	CN-119	Joseph Raymond Gutierrez Reporting Officer Narrative from Isle of Wight Robinson Traffic Stop.	Rule 401; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170 , herein by reference.
19	CN-131		2018.10.19 – Written Reprimand – Failure to Complete Training – Isle of Wight County.	Rule 401; Rule 802; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170 , herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The document is admissible hearsay pursuant to Rule 803(6) and 803(8).
20	CN-133		Joseph Raymond Gutierrez Isle of Wight Resignation Letter.	Rule 401; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170 , herein by reference.
21	CN-135		Isle of With County Sheriff's Office notice of 10-day suspension without pay of Joseph Raymond Gutierrez dated 2019.05.09.	Rule 401; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170 , herein by reference. The document is admissible hearsay pursuant to Rule 803(6) and 803(8).
22	CN-136; CN-139	CN-141	Gutierrez Isle of Wight County Oath of Office.	Rule 401; Rule 403 (Cumulative)	The document is relevant to the job that defendant Gutierrez swore under oath to undertake. Notwithstanding his stipulation he was an officer, he did not stipulate or mention the "oath" in the stipulations and the jury has a right to see the same. Thus it is not cumulative as defined in Rule 403.

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits					
Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
23	CN-219	CN-221	Isle of Wight County Sheriff's Office Sanctions and Internal Affairs Memo re: Joseph Raymond Gutierrez and Robinson Traffic Stop.	Rule 401; Rule 802; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The document is admissible hearsay pursuant to Rule 803(6) and 803(8). The oath is not being offered as evidence of Gutierrez's character to prove the the acted in accordance with that character, rather to counter defendant Gutierrez's affirmative defenses. Thus 404 does not apply.
24	CN-253	CN-257	Isle of Wight County Use of Force record – Joseph Raymond Gutierrez.	Rule 401; Rule 802; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The document is admissible hearsay pursuant to Rule 803(6) and 803(8).
25	CN-260	CN-261	Video Footage, Robinson Traffic Stop.	Rule 401; Rule 802; Rule 403; Rule 404; MIL; CN261 not produced in discovery	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The plaintiff will not be offering it to prove the fact of the matter asserted by any party other than, maybe, Gutierrez. Thus 802 does not apply. Plaintiff produced CN-261 to defendant Crocker on November 3, 2021.
26	CN-262		Recorded statements made pursuant to Robinson Traffic stop Internal Affairs Investigation. Bates CN-262.	Rule 401; Rule 403; Rule 404; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The plaintiff will not be offering it to prove the fact of the matter asserted by any party other than, maybe, Gutierrez. Thus 802 does not apply.
28	CN-298	CN-299	7th Session of Auxiliary Basic Police School and report card.	Rule 401; Rule 403; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2)(A) and (B). If it is hearsay, it is admissible hearsay pursuant to Rule 803(6) and 803(8).

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
29	CN-318	CN-319	April 20th, 2020 Termination of Employment under Probationary Conditions	Rule 401; Rule 404; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible hearsay pursuant to Rule 803(6) and 803(8). Also will be used regarding specific instances of unadjudicated perjury.
30	CN-5663		Email of Rodney Riddle to Daniel Crocker	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible hearsay pursuant to Rule 803(6) and 803(8). This document also went to Gutierrez and was part of the reason for his termination.
32	CN-3038	CN-3051	2021.05.03 Memorandum from Chief Rodney Riddle to the Town of Windsor.	Rule 401; Rule 802; Rule 407; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible hearsay pursuant to Rule 803(6) and 803(8). This document also went to Gutierrez and was part of the reason for his termination. 407 is not applicable as it was neither of the defendants who took these remedial measures.
33	CN-3565	CN-3568	Field Training/On the Job Training Completion Form.	Rule 401; Rule 802; MIL	Withdrawn
34	CN-4605	CN-4523	CV of Shawn Utsey, Ph.D.	Rule 401; Rule 802; Rule 403 (Cumulative)	Relevant to credentials and credibility of Dr. Utsey. Unfair prejudice due to cumulative nature does not substantially outweigh probative value.
35	CN-4525	CN-4351	CV of James Sellman, MD.	Rule 401; Rule 802; Rule 403 (Cumulative)	Relevant to credentials and credibility of Dr. Utsey. Unfair prejudice due to cumulative nature does not substantially outweigh probative value.
36	CN-4929	CN-4930	CV of Mark G. Bong, Esq.	Rule 401; Rule 802; Rule 403 (Cumulative); CN-4929-30 not produced in discovery	Relevant to credentials and credibility of Mr. Bong. Unfair prejudice due to cumulative nature does not substantially outweigh probative value. The CV was produced with Mr. Bong's Rule 26 disclosures.

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
37	CN-3570		Daniel Crocker Oath of Office.	Rule 401; Rule 802; Rule 403 (Cumulative); Rule 608; Rule 901; also not relevant in light of joint stipulations	The document is relevant to the job that defendant Crocker swore under oath to undertake. Notwithstanding his stipulation he was an officer, he did not stipulate or mention the "oath" in the stipulations and the jury has a right to see the same. Thus it is not cumulative as defined in Rule 403. The oath of office is not being offered to attack defendant Crocker's character for truthfulness. The document is self-authenticating pursuant to Fed. R. Evid. 902(2). It is not hearsay under 801(d)(2)
38	CN-3571	CN-3587	April 20, 2021 Use of Force Remedial Training Letter.	Rule 401; Rule 802; Rule 403; Rule 407; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8). It is relevant to the deterrence aspect of punitive damages and in that respect neither 401 nor 403 prevent its admission.
39	CN-3621		Termination letter – Joseph Raymond Gutierrez.	Rule 401; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. It is admissible hearsay pursuant to Rule 803(6) and (8).
40	CN-3625		Joseph Raymond Gutierrez Oath of Office – Windsor Police Department. CN-3625.	Rule 401; Rule 802; Rule 403 (Cumulative); Rule 608; Rule 901	The document is relevant to the job that defendant Gutierrez swore under oath to undertake. Notwithstanding his stipulation he was an officer, he did not stipulate or mention the "oath" in the stipulations and the jury has a right to see the same it is also from Windsor and not Isle of Wight, thus it is not cumulative as defined in Rule 403. It is not hearsay under 803(d)(2) and is self authenticating under 902(2) as it was accompanied by the affidavit envisioned therein.
41	CN-3622	CN-3624	Notice of disciplinary action and disciplinary action	Rule 401; Rule 802; Rule 403; Rule 407; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8). Rule 407 does not apply, because it was not Gutierrez who took the subsequent remedial measures. It is relevant to the deterrence aspect of punitive damages.

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
42	CN-3664	CN-3667	Joseph Raymond Gutierrez Resume, DD-214 and DD-215.	Rule 401; Rule 802; Rule 403	It is not hearsay under Rule 801(d)(2)(B). It is relevant as Gutierrez claims on the videos that we hear that he was a corporal, a combat vet, and had deployed to the LA riots. This is false and the jury need to know such that the false statements do not color their interpretation of the situation.
43 (a)	CN-4063; WPD Policies 1	CN-4069; WPD Policies 7	Town of Windsor Police Department policies and procedures: a. Use of Force.	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8).
43 (b)	CN-4139; WPD Policies 77	CN-4157; WPD Policies 95	Town of Windsor Police Department policies and procedures: b. General Code of Conduct.	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8).
43 (c)	CN-4079; WPD Policies 17	CN-4097; WPD Policies 35	Town of Windsor Police Department policies and procedures: c. Traffic Law Enforcement.	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8).
44	CN-3708		DCJS Field Training Officer – Joseph Raymond Gutierrez	Rule 401; Rule 802; MIL	Withdrawn
45	WPD IA 1	WPD IA 14	Windsor Police Department Internal Affairs investigation and interview into traffic stop of Caron Nazario.	Rule 401; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8). The statements therein by either Crocker or Gutierrez are not hearsay. Rule 801(d)(2)(A). 403 is not applicable as it was not Gutierrez or Crocker taking the subsequent remedial measures.
47	CN-4499		Letter from Deputy Surgeon.	Rule 401; Rule 802	This is relevant to Lt. Nazario's damages. It is admissible hearsay under 803(6) and (8).
50	CN-4541		Employer Deployment Letter	Rule 401; Rule 802	This is relevant to Lt. Nazario's damages. It is admissible hearsay under 803(6) and (8).
59	CN-4681	CN-4759	Army Technical Manual AR-40-501	Rule 401; Rule 802	Withdrawn
60	CN-4760	CN-4838	Army Technical Manual AR-40-502	Rule 401; Rule 802	Withdrawn
61	CN-4839		Virginia Code § 8.01-419	Rule 403 (cumulative - objection to introduction of the table; no objection to information being told to the jury)	Withdrawn

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
66	CN-4892	CN-4914	Dr. Sellman's Medical notes	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
67	CN-5003	CN-5042	Dr. Utsey's test results	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating psychologist are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
68	CN-5043	CN-5052	Dr. Utesy's medical notes	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating psychologist are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
70	CN-5241	CN-5256	Caron Nazario's US Army LES's from 11/2020 to 10/2021 (date error corrected)		
73	CN-5664		Invoice for services rendered – Dr. Shawn Utsey 11/12 – 12/3/2021		
74	CN-5665	CN-5667	Isle of Wight Sheriff's Office Use of Force Policy and Procedure.	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. They are admissible hearsay under 803(6) and (8).
75			75.Brandon Tatum YouTube Channel Posts: b. https://www.youtube.com/watch?v=a9LdwtW2eJw c. https://www.youtube.com/watch?v=cu0n0harShU d. https://www.youtube.com/watch?v=k0Y35EpOiFc e. https://www.youtube.com/watch?v=yzaR_s5rDCQ f. https://www.bizpacreview.com/2021/04/13/fmr-officer-brandon-tatum-breaks-down-incident-between-va-police-black-army-lieutenant-as-only-he-can-1059393/	Rule 401;	They are, or may be relevant impeachment or rebuttal depending on how or if Mr. Tatum can testify.

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
76	CN-5655	CN-5663	Windsor Police Department Personnel Memorandum	Rule 401; Rule 802; Rule 403; Rule 407; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8). The statements therein by either Crocker or Gutierrez are not hearsay. Rule 801(d)(2)(A). 403 is not applicable as it was not Gutierrez or Crocker taking the subsequent remedial measures. Thus, 407 does not apply. It is relevant for rebuttal/impeachment of current specific instances of unadjudicated perjury
78			Metallica's "Ride the Lightning" album. Release date July 27, 1984	Rule 401; Rule 802; Rule 403; MIL	Plaintiff incorporates his arguments and objections set forth in Doc. 169 . It is not being offered for the truth of its statements that James Hetfield - the lyricist and singer is being put to death by the electric chair - rather of the meaning of the phrase "Ride the Lightning" in the common vernacular and the document will speak for itself. Thus Rule 802 does not apply.
79	CN-5678	CN-5682	Shawn Utsey's Progress Notes from 11/12 to 12/10/2021	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating psychologist are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
81	CN-5696	CN-5702	Dr. James Sellman Invoice and Progress Notes	Rule 403; Rule 802 (as to notes); no objection to invoices	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
83	CN-5707	CN-5712	Notes and Billing – Dr. James Sellman	Rule 403; Rule 802 (as to notes); no objection to invoices	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
88	CN-5721	CN-5729	Progress Notes from Dr. Shawn O. Utsey from 2021.11.12 to 2022.03.04	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits					
Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
89	CN-5730	CN-5744	Progress Notes from Dr. James Sellman from 2021.11.12 through 2022.03.04	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
91	CN-5746		A letter dated 2022.02.09 from LTC Christy L. Gambill to the Commander of 116th BCT regarding Caron Nazario	Rule 401; Rule 802	The document is relevant to Lt. Nazario's damages. It is admissible hearsay pursuant to Rule 802(6) and (8).
92	CN-5747	CN-5762	Progress Notes – Dr. Utsey – 2022.03.11 – 2022.10.03 93	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
95	CN-5795	CN-5819	Progress Notes – Dr. Sellman – 2022.03.07 – 2022.10.05	Rule 403; Rule 802; CN5816-19 not produced in discovery	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4). The Plaintiff produced CN-5616 - 19 was a typo. No documents exist.
96			Plaintiff further incorporates the documents listed as exhibits to depositions as set forth in part III, <i>supra</i>	Defendant Crocker incorporates his objections to individual exhibits identified to the extent they encompass exhibits listed as deposition exhibits. Defendant Crocker objects to the admission of any exhibit to the extent it is subject to a pending Motion in Limine.	Plaintiff Nazario incorporates his replies to the individual exhibits identified to the extent they encompass the exhibits listed as deposition exhibits. To the extent that such documents are subject to a motion in limine, Plaintiff incorporates his arguments and objections therein by reference.
DOCUMENTS AND EXHIBITS PLAINTIFF MAY USE IF NECESSARY					
1	CN-6		Town of Windsor FOIA response Letter	Rule 401; Rule 802	This may be relevant regarding specific instances of unadjudicated perjury - depending on how particular witnesses testify on the stand. It is admissible hearsay under 803(6) and (8).

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
2	CN-22		Internal Investigation Referral Letter	Rule 401; Rule 802; MIL	This may be relevant regarding specific instances of unadjudicated perjury - depending on how particular witnesses testify on the stand. It is admissible hearsay under 803(6) and (8). The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference.
6	CN-104	CN-105	Isle of Wight Sheriff's office records certification dated 2021.08.18	Rule 401; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. This document is a 902(2), (4), (11) self authentication certificate for the IOW County records.
7	CN-258	CN-259	Isle of Wight County Sheriff's Office Records Certification	Rule 401; MIL	This document is a 902(2), (4), (11) self authentication certificate for various Windsor Police records.
10	CN-3078	CN-3079	Town of Windsor Records certification	Rule 401	This document is a 902(2), (4), (11) self authentication certificate for various Windsor Police records.
14	CN-332	CN-334	Windsor Police Department Records Certification.	Rule 401	This document is a 902(2), (4), (11) self authentication certificate for various Windsor Police records.
15	CN-2987	CN-3001	Rodney Riddle memorandum outlining proposed changes to Windsor Police Department from 2021.04.19.	Rule 401; Rule 802; MIL; Rule 407	Withdrawn
17	CN-3078	CN-3079	Town of Windsor records certification	Rule 401	This document is a 902(2), (4), (11) self authentication certificate for various Windsor Police records.
18	CN-3082	CN-3083	Uniform Traffic Summons – November 7, 2020 (date corrected) Traffic Stop of Caron Nazario by the Town of Windsor Police Department.	No objection to authenticity; object otherwise on basis of Rule 401 and MILs	Relevant to testimony of defendants law enforcement experts who "relied" on the same. Plaintiff incorporates is arguments and opposition from the relevant motions in limine herein by reference.
19	CN-3084	CN-3620	Daniel Allen Crocker Windsor Police Department Personnel File	Rule 401; Rule 608; Rule 802; MIL	Withdrawn (This does not include a document within that set otherwise independently designated)
20	CN-3621	CN-4062	Joseph Raymond Gutierrez Personnel File	Rule 401; Rule 608; Rule 802; MIL	Withdrawn (This does not include a document within that set otherwise independently designated)
21	CN-4497	CN-4498	BekTek, LLC forensic enhancements	Rule 401; Rule 403; Rule 802; CN-4497 not produced in discovery.	Admissible pursuant to Fed. R. Evid. 802(4); (6); and (8). Not hearsay under 801(d)(2). Probative valueof the video (Nazario Cellphone 2, CN-2) not substantially outweighed by prejudicial effect.
22	CN-4533		Initial diagnosis from Lt. Botang, VAANG	Rule 802	Admissible pursuant to Fed. R. Evid. 802(4); (6); and (8).
23	CN-4538		2021.10.12 – Letter from James Sellman to Deputy State Surgeon	Rule 802	Admissible pursuant to Fed. R. Evid. 802(4) and (6).
24	CN-5653	CN-5654	Rodney Riddle certification	Rule 401	This document is a 902(2), (4), (11) self authentication certificate for various Windsor Police records.

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
25	CN-3080	CN-3081	Event Data Report from November 7, 2020 traffic stop of Caron Nazario by the Town of Windsor Police Department.	Rule 401; Rule 802; Rule 403	Admissible hearsay pursuant to Rule 803(4) and (6). Relevant as relied upon by defense experts. Any prejudicial effect does not substantially outweigh probative value. Relevant to rebuttal depending on testimony presented.
27	CN-3633		Windsor Police Department Employment Verification Form for Joseph Gutierrez.	Rule 401; Rule 802; Rule 403	Relevant to Gutierrez's affirmative defenses, especially regarding the search such that any unfair prejudice does not substantially outweigh the probative value. Not hearsay under 801(d)(2). If hearsay, it is admissible pursuant to 802(4) and (6).
28			The following records affidavits which Plaintiff will use for admissibility, authenticity, and other evidentiary purposes at trial.	No objection to authenticity; object otherwise on basis of Rule 401 and MILs	Plaintiff incorporates his arguments and objections as set forth in his motions in limine.
	CN-34 (Affidavits CN-104-105; CN-258-259; CN-265-266; CN)	CN-266	a. Isle of Wight County Sheriff's Office and ECC Affidavits by Lt. Kim Davenport (Bates CN-104 – 105); Capt. Tommy Potter (CN-258 – 259); and Capt. Ronald Bryan (Bates CN-265 – 266) for documents Bates CN-34 – 266.		
	CN-267 (Affidavit CN-313 - 315)	CN-315	b. Smithfield Police Department Affidavit by Karen Crocker (CN-313 - 315) for documents Bates CN-267 - 315.		
	CN-3; CN-317; CN-3080; CN-5655; WPD-IA-1; WPD Policies 0000001	CN-26; CN-337; CN-4157; CN-5663; WPD-IA-1-14; WPD Policies 000095	c. Windsor Police Department Affidavit by Rodney D. Riddle (CN-332-334; and CN-5653 – 5654) for documents Bates CN 3 - 26; CN-317 – 337 and CN-3080 – 4157; CN-5655 - 5663; WPD-IA-1-14; WPD Policies 000001 - 000095.	CN-336 not produced in discovery	Doc 336 is identical to CN-5. Doc. CN-336 was produced to defendants on November 3, 2021.
	CN-338 (Affidavit CN-3078-3079)	CN-3079	d. Town of Windsor Affidavit by William G. Saunders, IV (CN-3078 – 3079) for documents Bates CN-338 – 3079.		
	CN-4158 (Affidavit CN-4496)	CN-4495	e. Department of Criminal Justice Services Affidavit by Erik. R. Smith (CN-4496) for documents Bates 4158 – 4495.		
29			Diagnostics and Statistical Manual of Mental Disorders– Fifth Edition. Sections Trauma – and Stress- related Disorders: Adjustment Disorder, and Posttraumatic Stress Disorder.	Not produced in discovery; not appropriate for evidence	Withdrawn

Daniel Crocker's Objections to Plaintiff's Proposed Trial Exhibits

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Crocker Objections	Reply
30			Diagnostics and Statistical Manual of Mental Disorders– Fifth Edition. Text Revision – March 2022. Sections Trauma – and Stress- related Disorders: Adjustment Disorder, and Posttraumatic Stress Disorder.	Not produced in discovery; not appropriate for evidence	Withdrawn
31			Isle of Wight County Sheriff's Department General Order 1-7 Employee Discipline.	Rule 401; Rule 802; MIL	Admissible hearsay pursuant to Rule 803(4) and 803(6). Plaintiff incorporates his arguments and objections in opposition to Motion in Limine, Doc. 170.
32	CN-148	CN-151	Isle of Wight County Training Log	Rule 401; Rule 802; MIL	Admissible hearsay pursuant to Rule 803(4) and 803(6). Plaintiff incorporates his arguments and objections in opposition to Motion in Limine, Doc. 170.
33	CN-34	CN-35	Isle of Wight County Training Log	Rule 401; Rule 802; MIL	Admissible hearsay pursuant to Rule 803(4) and 803(6). Plaintiff incorporates his arguments and objections in opposition to Motion in Limine, Doc. 170.

Trial Exhibit No.	Beginning Bates No.	End Bates No.	Description	Gutierrez Objections	Reply
1	CN-1		Cellphone Footage from Caron Nazario	Rule 401; Rule 403 (Cumulative); Rule 608; Rule 802; Rule 901	<p>The video is relevant under 401 as it shows what Lt. Nazario's actions during the traffic stop were - relevant to claims that Lt. Nazario was not and had not complied. Any cumulative nature does not substantially outweigh its prejudicial value as the video contains footage and admissions not captured on the Defendants' body worn camera footage.</p> <p>Crocker has indicated that in his opinion the traffic stop ended when Gutierrez took Lt. Nazario out of handcuffs, however the had still prolonged the same as the defendants would not let Lt. Nazario drive until after his eyes cleared - some thirty minutes after defendant Gutierrez removed the cuffs. Further, the video captures admissions by Gutierrez, not captured on Crocker's video (as Crocker was not present) and not captured by Gutierrez's camera as it was not</p>

2	CN-2		Cellphone Footage from Caron Nazario	Rule 401; Rule 403 (Cumulative); Rule 608; Rule 802; Rule 901	The video is relevant under 401 as it shows what Lt. Nazario's actions during the traffic stop were - relevant to claims that Lt. Nazario was not and had not complied. Any cumulative nature does not substantially outweigh its prejudicial value as the video contains footage and admissions not captured on the Defendants' body worn camera footage. Crocker has indicated that in his opinion the traffic stop ended when Gutierrez took Lt. Nazario out of handcuffs, however the had still prolonged the same as the defendants would not let Lt. Nazario drive until after his eyes cleared - some thirty minutes after defendant Gutierrez removed the cuffs. Further, the video captures admissions by Gutierrez, not captured on Crocker's video (as Crocker was not present) and not captured by Gutierrez's camera as it was not
6	CN-10	CN-15 - IBR	To include Daniel Crocker's Reporting Officer Narrative, Incident Report Suspect List, Incident Report Vehicle List.		
7	CN-16	CN-17	Incident Report Narrative – Joseph Raymond Gutierrez.		

8	C-18			Rule 401; Rule 802	This document is not hearsay - defendant Crocker created the same, Rule 801(d)(2) and any statements not from Crocker are admissible hearsay under Rules 803(6) and 803(8). It is relevant insofar as it demonstrates, inter alia, malice by demonstrating that Crocker was preparing to charge Lt. Nazario with, inter alia assault on a law enforcement officer.
			Witness Subpoena Request.		
9	CN-19	CN-21	Isle of Wight County Event Report 2020-087291.		
10	CN-23	CN-25	Use of Force Report – Joseph Raymond		
11	CN-27			Rule 401	This shows the route of travel on 2020.12.05 - Thus it is relevant for the jury to determine things such as reasonableness
			GOOGLE Maps Screenshot US460 West.		
12	CN-28			Rule 401; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Docs. 169 and 173 herein by reference.
			Urban Dictionary – Ride the Lightning		
13	CN-4536	CN-4537	Temporary Tag from 2020.12.05		
14	CN-100	CN-101	Dispatch Report – Isle of Wight County December 5, 2020		
15	CN-102	CN-103	Isle of Wight Dispatch Report from the November 2020 traffic stop of Caron Nazario.	Rule 401; Rule 404; Rule 802; MIL	

Gutierrez's Objections to Plaintiff's Proposed Trial Exhibits

16	CN-106	CN-107	Joseph Raymond Gutierrez Robinson narrative dated 2019.04.20 from Isle of Wight County Sheriff's Office.	Rule 401; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference.
17	CN-109	CN-113	Isle of Wight County Internal Affairs investigative report dated 2019.04.18 from then Lt. Tommy. O. Potter investigating the Robinson use of force.	Rule 401; Rule 802; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay
18	CN-115	CN-119	Joseph Raymond Gutierrez Reporting Officer Narrative from Isle of Wight Robinson Traffic Stop.	Rule 401; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference.
19	CN-131		2018.10.19 – Written Reprimand – Failure to Complete Training – Isle of Wight County.	Rule 401; Rule 802; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The document is admissible hearsay pursuant to Rule 803(6) and 803(8).
20	CN-133		Joseph Raymond Gutierrez Isle of Wight Resignation Letter.	Rule 401; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference.

21	CN-135		Isle of With County Sheriff's Office notice of 10-day suspension without pay of Joseph Raymond Gutierrez dated 2019.05.09.	Rule 401; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. The document is admissible hearsay pursuant to Rule 803(6) and 803(8).
22	CN-136; CN-139	CN-141	Gutierrez Isle of Wight County Oath of Office.	Rule 401; Rule 403 (Cumulative)	The document is relevant to the job that defendant Gutierrez swore under oath to undertake. Notwithstanding his stipulation he was an officer, he did not stipulate or mention the "oath" in the stipulations and the jury has a right to see the same. Thus it is not cumulative as defined in Rule 403.
23	CN-219	CN-221	Isle of Wight County Sheriff's Office Sanctions and Internal Affairs Memo re: Joseph Raymond Gutierrez and Robinson Traffic Stop.	Rule 401; Rule 802; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The document is admissible hearsay pursuant to Rule 803(6) and 803(8). The oath is not being offered as evidence of Gutierrez's character to prove the acted in accordance with that character, rather to counter defendant Gutierrez's affirmative defenses. Thus 404 does not apply.

Gutierrez's Objections to Plaintiff's Proposed Trial Exhibits

24	CN-253	CN-257	Isle of Wight County Use of Force record – Joseph Raymond Gutierrez.	Rule 401; Rule 802; Rule 403; Rule 404; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The document is admissible hearsay pursuant to Rule 803(6) and 803(8).
25	CN-260	CN-261	Video Footage, Robinson Traffic Stop.	Rule 401; Rule 802; Rule 403; Rule 404; MIL; CN261 not produced in discovery	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The plaintiff will not be offering it to prove the fact of the matter asserted by any party other than, maybe, Gutierrez. Thus 802 does not apply. Plaintiff produced CN-261 to defendant Crocker on November 3, 2021.

26	CN-262		Recorded statements made pursuant to Robinson Traffic stop Internal Affairs Investigation. Bates CN-262.	Rule 401; Rule 403; Rule 404; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2). The plaintiff will not be offering it to prove the fact of the matter asserted by any party other than, maybe, Gutierrez. Thus 802 does not apply
27	CN-263	CN-264	Isle of Wight Emergency Communications radio traffic from Windsor Police traffic stop of Caron Nazario on 2020.11.07 and 2020.12.05.	Rule 401 (as to 11/7/2020); Rule 802 (as to 11/7/2020)	Relevant to impeachment, rebuttal of expert testimony and allegations that defendants have made in pleadings which maybe repeated at trial. Admissible hearsay under 803(6) and(8).
28	CN-298	CN-299	7th Session of Auxiliary Basic Police School and report card.	Rule 401; Rule 403; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. To the extent that the documents contain statements from Gutierrez, they are not hearsay. Rule 801(d)(2)(A) and (B). If it is hearsay, it is admissible hearsay pursuant to Rule 803(6) and 803(8).

Gutierrez's Objections to Plaintiff's Proposed Trial Exhibits

29	CN-318	CN-319	April 20th, 2020 Termination of Employment under Probationary Conditions	Rule 401; Rule 404; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible hearsay pursuant to Rule 803(6) and 803(8). Also will be used regarding specific instances of unadjudicated perjury.
30	CN-5663		Email of Rodney Riddle to Daniel Crocker	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible hearsay pursuant to Rule 803(6) and 803(8). This document also went to Gutierrez and was part of the reason for his termination. Relevant to specific instance of unadjudicated perjury.
31	CN-354		Text exchange between Joseph Raymond Gutierrez and Daniel Allen Crocker on 2020.12.05.		

32	CN-3038	CN-3051	2021.05.03 Memorandum from Chief Rodney Riddle to the Town of Windsor.	Rule 401; Rule 802; Rule 407; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible hearsay pursuant to Rule 803(6) and 803(8). This document also went to Gutierrez and was part of the reason for his termination. 407 is not applicable as it was neither of the defendants who took these remedial measures.
33	CN-3565	CN-3568	Field Training/On the Job Training	Rule 401; Rule 802; MIL	Withdrawn
34	CN-4605	CN-4523	CV of Shawn Utsey, Ph.D.	Rule 401; Rule 802; Rule 403 (Cumulative)	Relevant to credentials and credibility of Dr. Utsey. Unfair prejudice due to cumulative nature does not substantially outweigh probative value.
35	CN-4525	CN-4351	CV of James Sellman, MD.	Rule 401; Rule 802; Rule 403 (Cumulative)	Relevant to credentials and credibility of Dr. Utsey. Unfair prejudice due to cumulative nature does not substantially outweigh probative value.
36	CN-4929	CN-4930	CV of Mark G. Bong, Esq.	Rule 401; Rule 802; Rule 403 (Cumulative); CN-4929-30 not produced in discovery	Relevant to credentials and credibility of Mr. Bong. Unfair prejudice due to cumulative nature does not substantially outweigh probative value. The CV was produced with Mr. Bong's Rule 26 disclosures.

37	CN-3570		Daniel Crocker Oath of Office.	Rule 401; Rule 802; Rule 403 (Cumulative); Rule 608; Rule 901	The document is relevant to the job that defendant Crocker swore under oath to undertake. Notwithstanding his stipulation he was an officer, he did not stipulate or mention the "oath" in the stipulations and the jury has a right to see the same. Thus it is not cumulative as defined in Rule 403. The oath of office is not being offered to attack defendant Crocker's character for truthfulness. The document is self-authenticating pursuant to Fed. R. Evid. 902. It is not hearsay under 801(d)(2)
38	CN-3571	CN-3587	April 20, 2021 Use of Force Remedial Training Letter.	Rule 401; Rule 802; Rule 403; Rule 407; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8). It is relevant to the deterrence aspect of punitive damages and in that respect neither 401 nor 403 prevent its admission.
39	CN-3621		Termination letter – Joseph Raymond Gutierrez.	Rule 401; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. It is admissible hearsay pursuant to Rule 803(6) and (8).

Gutierrez's Objections to Plaintiff's Proposed Trial Exhibits

40	CN-3625		Joseph Raymond Gutierrez Oath of Office – Windsor Police Department. CN-3625.	Rule 401; Rule 802; Rule 403 (Cumulative); Rule 608; Rule 901	The document is relevant to the job that defendant Gutierrez swore under oath to undertake. Notwithstanding his stipulation he was an officer, he did not stipulate or mention the "oath" in the stipulations and the jury has a right to see the same it is also from Windsor and not Isle of Wight, thus it is not cumulative as defined in Rule 403. It is not hearsay under 803(d)(2) and is self authenticating under 902(2) as it was accompanied by the affidavit envisioned therein.
41	CN-3622	CN-3624	Notice of disciplinary action and disciplinary	Rule 401; Rule 802; Rule 403; Rule 407; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8). Rule 407 does not apply, because it was not Gutierrez who took the subsequent remedial measures. It is relevant to the deterrence aspect of punitive damages.

42	CN-3664	CN-3667	Joseph Raymond Gutierrez Resume, DD-214 and DD-215.	Rule 401; Rule 802; Rule 403	It is not hearsay under Rule 801(d)(2)(B). It is relevant as Gutierrez claims on the videos that we hear that he was a corporal, a combat vet, and had deployed to the LA riots. This is false and the jury need to know such that the false statements do not color their interpretation of the situation
43 (a)	CN-4063; WPD Policies 1	CN-4069; WPD Policies 7	Town of Windsor Police Department policies and procedures: a. Use of Force.	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8).
43 (b)	CN-4139; WPD Policies 77	CN-4157; WPD Policies 95	Town of Windsor Police Department policies and procedures: b. General Code of Conduct.	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8).
43 (c)	CN-4079; WPD Policies 17	CN-4097; WPD Policies 35	Town of Windsor Police Department policies and procedures: c. Traffic Law Enforcement.	Rule 401; Rule 802; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8).
44	CN-3708		DCJS Field Training Officer – Joseph Raymond Gutierrez	Rule 401; Rule 802; MIL	Withdrawn

45	WPD IA 1	WPD IA 14	Windsor Police Department Internal Affairs investigation and interview into traffic stop of Caron Nazario.	Rule 401; Rule 802; Rule 403; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8). The statements therein by either Crocker or Gutierrez are not hearsay. Rule 801(d)(2)(A). 403 is not applicable as it was not Gutierrez or Crocker taking the subsequent remedial measures.
46	CN-4500		US Army Profile	Rule 401; Rule 802	Relevant to damages. Not hearsay under Rule 803(6) and (8).
47	CN-4499		Letter from Deputy Surgeon.	Rule 401; Rule 802	Relevant to damages. Not hearsay under Rule 803(6) and (8).
48	CN-4535		Caron Nazario's VADL	Rule 401; Rule 802	Relevant and not hearsay pursuant to 803(6) and (8).
49	CN-4539	CN-4540	2021.10.27 - VAANG State Surgeon Profile	Rule 401; Rule 802	Relevant to damages. Not hearsay under Rule 803(6) and (8).
50	CN-4541		Employer Deployment Letter	Rule 401; Rule 802	Relevant to damages. Not hearsay under Rule 803(6) and (8).
51	CN-4542	CN-4670	Caron Nazario's Military Records	Rule 401; Rule 802; CN-4561-4568; 4581; 4612-4620; 4632-4634; 4647-4662 not produced in discovery	Withdrawn unless otherwise a particular series is otherwise identified in the designations.
52	CN-4542	CN-4543; 4545	FT ANG – Insurrection Deployment Orders		
53	CN-4578	CN-4579	USA Officer Evaluation – 2021.08.11		

54	CN-4605	CN-4606	Officer Oath	Rule 401; Rule 802	Relevant to damages. Not hearsay under Rule 803(6) and (8).
55	CN-4646		Award of Military Funeral Honors	Rule 401; Rule 802	Relevant to damages. Not hearsay under Rule 803(6) and (8).
56	CN-4671		2021.10.11 Medical Bills – Dr. Utsey		
57	CN-4672	CN-4674	2021.10.12 Medical Bills – Dr. Sellman		
58	CN-4675	CN-4680	2021.11.07 Medical Bills – Dr. Sellman		
59	CN-4681	CN-4759	Army Technical Manual AR-40-501	Rule 401; Rule 802	Withdrawn
60	CN-4760	CN-4838	Army Technical Manual AR-40-502	Rule 401; Rule 802	Withdrawn
61	CN-4839		Virginia Code § 8.01-419		
62	CN-4843		2021.11.07 – Dr. Utsey Bills		
63	CN-4844	CN-4863	Caron Nazario's Nightmare diary	Rule 401; Rule 802	
64	CN-4864	CN-4875	7th Executive Directive and Amendments 1-7	Rule 401; Rule 802	Relevant to affirmative defenses, Not hearsay pursuant to 802 (8).
65	CN-4876	CN-4877	8th Executive Directive	Rule 401; Rule 802	Relevant to affirmative defenses, Not hearsay pursuant to 802 (8).
66	CN-4892	CN-4914	Dr. Sellman's Medical notes	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
67	CN-5003	CN-5042	Dr. Utsey's test results	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating psychologist are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).

68	CN-5043	CN-5052	Dr. Utesy's medical notes	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating psychologist are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
69	CN-5221	CN-5240	Caron Nazario's US Army W-2's from 2016 – 2020		
70	CN-5241	CN-5256	Caron Nazario's US Army LES's from 11/2020 to 10/2020		
71	CN-5257	CN-5258	DFAS.GOV 2021 Military Pay Scale 2021		
72	CN-5259	CN-5262	DFAS.MIL 2021 Military Pay Scale		
73	CN-5664		Invoice for services rendered – Dr. Shawn Utsey 11/12 – 12/3/2021		
74	CN-5665	CN-5667	Isle of Wight Sheriff's Office Use of Force Policy and Procedure.	Rule 401; Rule 802; MIL	
75			<p>75.Brandon Tatum YouTube Channel Posts:</p> <p>a. https://youtu.be/VgBMnJyOiT0</p> <p>b. https://www.youtube.com/watch?v=a9LdwtW2eJw</p> <p>c. https://www.youtube.com/watch?v=cu0n0harShU</p> <p>d. https://www.youtube.com/watch?v=k0Y35EpOiFc</p> <p>e. https://www.youtube.com/watch?v=yzaR_s5rDCQ</p> <p>f. https://www.bizpacreview.com/2021/04/13/fmr-officer-brandon-tatum-breaks-down-incident-between-va-police-black-army-lieutenant-as-only-he-can-1059393/</p> <p>g. https://youtu.be/VgBMnJyOiT0</p>	Rule 401; Not produced in discovery	They are, or may be relevant impeachment or rebuttal depending on how or if Mr. Tatum can testify. Hyperlinks produced on December 21, 2021.

76	CN-5655	CN-5663	Windsor Police Department Personnel Memorandum	Rule 401; Rule 802; Rule 403; Rule 407; MIL	The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference. If it is hearsay, it is admissible pursuant to Rule 803(6) and (8). The statements therein by either Crocker or Gutierrez are not hearsay. Rule 801(d)(2)(A). 403 is not applicable as it was not Gutierrez or Crocker taking the subsequent remedial measures. Thus, 407 does not apply. It is relevant for rebuttal/impeachment of current specific instances of unadjudicated perjury
77	CN-5682	CN-5694	IRS Tax Return Transcripts		
78			Metallica's "Ride the Lightning" album. Release date July 27, 1984	Not produced in discovery; Rule 401; Rule 802; Rule 403; MIL	Plaintiff incorporates his arguments and objections set forth in Doc. 169. It is not being offered for the truth of its statements that James Hetfield - the lyricist and singer is being put to death by the electric chair - rather of the meaning of the phrase "Ride the Lightning" in the common vernacular and the document will speak for itself. Thus Rule 802 does not apply. Disclosed on discovery (as plaintiff has a single copy of the album) on December 21, 2021.

Gutierrez's Objections to Plaintiff's Proposed Trial Exhibits

79	CN-5678	CN-5682	Shawn Utsey's Progress Notes from 11/12 to 12/10/2021	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating psychologist are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
80	CN-5695		Dr. Shawn Utsey services Invoice		
81	CN-5696	CN-5702	Dr. James Sellman Invoice and Progress Notes	Rule 403; Rule 802 (as to notes)	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
82	CN-5703		Dr. James Sellman report invoice		
83	CN-5707	CN-5712	Notes and Billing – Dr. James Sellman	Rule 403; Rule 802 (as to notes)	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
84	CN-5713		Billing Invoices – Dr. Shawn Utsey		
85	CN-5714		Billing Invoice – Dr. Shawn Utsey		
86	CN-5715	CN-5719	Billing Invoices – Dr. James Sellman		
87	CN-5720		Billing Invoices – Dr. Shawn Utsey		

88	CN-5721	CN-5729	Progress Notes from Dr. Shawn O. Utsey from 2021.11.12 to 2022.03.04	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating psychologist are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
89	CN-5730	CN-5744	Progress Notes from Dr. James Sellman from 2021.11.12 through 2022.03.04	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
90	CN-5745		Caron Nazario's Temporary Profile Extension from the Virginia Army National Guard	Rule 802	Admissible 803(6) and (8)
91	CN-5746		A letter dated 2022.02.09 from LTC Christy L. Gambill to the Commander of 116th BCT regarding Caron Nazario	Rule 401; Rule 802	Relevant to damages. admissible hearsay under Rule 803(6) and (8).
92	CN-5747	CN-5762	Progress Notes – Dr. Utsey – 2022.03.11 – 2022.10.03 93	Rule 403; Rule 802	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4).
93	CN-5763	CN-5793	Bills – Dr. Utsey – 2022.03.11 – 2022.10.17		
94	CN-5794		Bates CN-5794 – Bills – Dr. Sellman – 2022.01.10		

Gutierrez's Objections to Plaintiff's Proposed Trial Exhibits

95	CN-5795	CN-5819		Rule 403; Rule 802; CN5816-19 not produced in discovery	The statements contained in the notes from Lt. Nazario's treating physician are highly relevant to damages, thus no 403 concerns substantially outweigh such relevance. Further, they are admissible hearsay under 802(6) and (4). The Plaintiff produced CN-5616 - 19 was a typo. No documents exist.
			Progress Notes – Dr. Sellman – 2022.03.07 –		
96			Plaintiff further incorporates the documents listed as exhibits to depositions as set forth in part III, <i>supra</i>	Defendant Gutierrez incorporates his objections to individual exhibits identified to the extent they encompass exhibits listed as deposition exhibits. Defendant Gutierrez objects to the admission of any exhibit to the extent it is subject to a pending Motion in Limine.	Plaintiff Nazario incorporates his replies to the individual exhibits identified to the extent they encompass the exhibits listed as deposition exhibits. To the extent that such documents are subject to a motion in limine, Plaintiff incorporates his arguments and objections therein by reference.
DOCUMENTS AND EXHIBITS PLAINTIFF MAY USE IF NECESSARY					
1	CN-6		Town of Windsor FOIA response Letter	Rule 401; Rule 802	This may be relevant regarding specific instances of unadjudicated perjury - depending on how particular witnesses testify on the stand. It is admissible hearsay under 803(6) and (8)..

2	CN-22		Internal Investigation Referral Letter	Rule 401; Rule 802; MIL	This may be relevant regarding specific instances of unadjudicated perjury - depending on how particular witnesses testify on the stand. It is admissible hearsay under 803(6) and (8). The Plaintiff incorporates his arguments and objections from his opposition to the MIL, Doc. 170, herein by reference.
3	CN-25		Defendants' business cards from Town of Windsor		
4	CN-298		VDOT Speed limit map US460 West between Food Lion and BP in Windsor, VA	Rule 401; Rule 802	Withdrawn
5			Virginia Concealed Carry Permit active on 12/5/2020. Currently in possession of Plaintiff.	Not produced in discovery; Rule 401	Disclosed on 2021.10.07. Relevant to Gutierrez's affirmative defenses.
6	CN-104	CN-105	Isle of Wight Sheriff's office records certification dated 2021.08.18		
7	CN-258	CN-259	Isle of Wight County Sheriff's Office Records Certification		
8	CN-265	CN-266	Isle of Wight Emergency Communications		

Gutierrez's Objections to Plaintiff's Proposed Trial Exhibits

9	CN-3062	CN-3064	Body Worn Camera Footage from 2020.11.07 Windsor Police Department Traffic Stop of Caron Nazario	Rule 401; Rule 802; Rule 403	Relevant given for impeachment and/or rebuttal given testimony as well as prior arguments made by counsel. Not hearsay pursuant to 802 as it will not be used to prove an out of court statement. Prejudice effect will not substantially outweigh probative value if experts or parties testify as they have in the past.
10	CN-3078	CN-3079	Town of Windsor Records certification		
11	CN-3082	CN-3083	Uniform Traffic Summons – November 7, 2020 Traffic Stop of Caron Nazario by the Town of Windsor Police Department.	Rule 401; Rule 802; Rule 403	Relevant given for impeachment and/or rebuttal given testimony as well as prior arguments made by counsel. Admissible hearsay under 803(6) and (8). Prejudice effect will not substantially outweigh probative value if experts or parties testify as they have in the past.

12	CN-263	CN-264	Isle of Wight Emergency Communications radio traffic from Windsor Police traffic stop of Caron Nazario on 2020.11.07 and 2020.12.05.	Rule 401; Rule 802; Rule 403	For the 2020.12.05 traffic - Not hearsay under 801(d)(2). Hearsay admissible under 803(6) and (8). Relevant as has party admissions. Regarding 2020.11.05 Relevant given for impeachment and/or rebuttal given testimony as well as prior arguments made by counsel. Not hearsay pursuant to 802 as it will not be used to prove an out of court statement. Prejudice effect will not substantially outweigh probative value if experts or parties testify as they have in the past.
13	CN-265	CN-266	Isle of Wight Emergency Communications		
14	CN-332	CN-334	Windsor Police Department Records		
15	CN-2987	CN-3001	Rodney Riddle memorandum outlining proposed changes to Windsor Police Department from 2021.04.19.	Rule 401; Rule 802; MIL; Rule 407	Withdrawn
16	CN-3062	CN-3064	Body Worn Camera Footage from 2020.11.07 Windsor Police Department Traffic Stop of Caron Nazario	Rule 401; Rule 802; Rule 403	Relevant given for impeachment and/or rebuttal given testimony as well as prior arguments made by counsel. Not hearsay pursuant to 802 as it will not be used to prove an out of court statement. Prejudice effect will not substantially outweigh probative value if experts or parties testify as they have in the past.
17	CN-3078	CN-3079	Town of Windsor records certification		

18	CN-3082	CN-3083	Uniform Traffic Summons – November 7, 2021 Traffic Stop of Caron Nazario by the Town of Windsor Police Department.	Rule 401; Rule 802; Rule 403	Relevant given for impeachment and/or rebuttal given testimony as well as prior arguments made by counsel. Not hearsay pursuant to 802 as it will not be used to prove an out of court statement. Prejudice effect will not substantially outweigh probative value if experts or parties testify as they have in the past.
19	CN-3084	CN-3620	Daniel Allen Crocker Windsor Police Department Personnel File	Rule 401; MIL	Withdrawn (This does not include a document within that set otherwise independently designated)
20	CN-3621	CN-4062	Joseph Raymond Gutierrez Personnel File	Rule 401; Rule 802; MIL	Withdrawn (This does not include a document within that set otherwise independently designated)
21	CN-4497	CN-4498	BekTek, LLC forensic enhancements	Rule 401; Rule 403; Rule 802; CN-4497 not produced in discovery.	Admissible pursuant to Fed. R. Evid. 802(4); (6); and (8). Not hearsay under 801(d)(2). Probative value of the video (Nazario Cellphone 2, CN-2) not substantially outweighed by prejudicial effect.
22	CN-4533		Initial diagnosis from Lt. Botang, VAANG	Rule 802	Admissible under 803(4), (6), and (8).
23	CN-4538		2021.10.12 – Letter from James Sellman to Deputy State Surgeon	Rule 802	Admissible under 803(4), (6), and (8).
24	CN-5653	CN-5654	Rodney Riddle certification		

25	CN-3080	CN-3081	Event Data Report from November 7, 2020 traffic stop of Caron Nazario by the Town of Windsor Police Department.	Rule 401; Rule 802; Rule 403	Relevant given for impeachment and/or rebuttal given testimony as well as prior arguments made by counsel. Not hearsay pursuant to 802 as it will not be used to prove an out of court statement. Prejudice effect will not substantially outweigh probative value if experts or parties testify as they have in the past.
26	CN-3082	CN-3083	Uniform Traffic Summons from November 7, 2021 traffic stop of Caron Nazario by the Town of Windsor Police Department.	Rule 401; Rule 802; Rule 403	Relevant given for impeachment and/or rebuttal given testimony as well as prior arguments made by counsel. Not hearsay pursuant to 802 as it will not be used to prove an out of court statement. Prejudice effect will not substantially outweigh probative value if experts or parties testify as they have in the past.
27	CN-3633		Windsor Police Department Employment Verification Form for Joseph Gutierrez.	Rule 401; Rule 802; Rule 403	Relevant to Gutierrez's affirmative defenses, especially regarding the search such that any unfair prejudice does not substantially outweigh the probative value. Not hearsay under 801(d)(2). If hearsay, it is admissible pursuant to 802(4) and (6).

28			The following records affidavits which Plaintiff will use for admissibility, authenticity, and other evidentiary purposes at trial.	No objection to authenticity; object otherwise on basis of Rule 401 and MILs	Plaintiff incorporates his arguments and objections as set forth in his motions in limine.
	CN-34 (Affidavits CN-104- 105; CN- 258-259; CN-265- 266; CN)	CN-266	a. Isle of Wight County Sheriff's Office and ECC Affidavits by Lt. Kim Davenport (Bates CN-104 – 105); Capt. Tommy Potter (CN-258 – 259); and Capt. Ronald Bryan (Bates CN-265 – 266) for documents Bates CN-34 – 266.		
	CN-267 (Affidavit CN-313 - 315)	CN-315	b. Smithfield Police Department Affidavit by Karen Crocker (CN-313 - 315) for documents Bates CN-267 - 315.		
	CN-3; CN- 317; CN- 3080; CN- 5655; WPD- IA-1; WPD Policies 0000001	CN-26; CN-337; CN-4157; CN- 5663; WPD-IA- 1-14; WPD Policies 000095	c. Windsor Police Department Affidavit by Rodney D. Riddle (CN-332-334; and CN-5653 – 5654) for documents Bates CN 3 - 26; CN-317 – 337 and CN-3080 – 4157; CN-5655 - 5663; WPD-IA-1-14; WPD Policies 000001 - 000095.	CN-336 not produced in discovery	Doc 336 is identical to CN-5. Doc. CN-336 was produced to defendants on November 3, 2021.
	CN-338 (Affidavit CN-3078- 3079)	CN-3079	d. Town of Windsor Affidavit by William G. Saunders, IV (CN-3078 – 3079) for documents Bates CN-338 – 3079.		
	CN-4158 (Affidavit CN-4496)	CN-4495	e. Department of Criminal Justice Services Affidavit by Erik. R. Smith (CN-4496) for documents Bates 4158 – 4495.		

29			Diagnostics and Statistical Manual of Mental Disorders– Fifth Edition. Sections Trauma – and Stress- related Disorders: Adjustment Disorder, and Posttraumatic Stress Disorder.	Not produced in discovery; not appropriate for evidence	Withdrawn
30			Diagnostics and Statistical Manual of Mental Disorders– Fifth Edition. Text Revision – March 2022. Sections Trauma – and Stress- related Disorders: Adjustment Disorder, and Posttraumatic Stress Disorder.	Not produced in discovery; not appropriate for evidence	Withdrawn
31			Isle of Wight County Sheriff's Department General Order 1-7 Employee Discipline.	Rule 401; Rule 802; MIL	Admissible hearsay pursuant to Rule 803(4) and 803(6). Plaintiff incorporates his arguments and objections in opposition to Motion in Limine, Doc. 170.
32	CN-148	CN-151	Isle of Wight County Training Log	Rule 401; Rule 802; MIL	Admissible hearsay pursuant to Rule 803(4) and 803(6). Plaintiff incorporates his arguments and objections in opposition to Motion in Limine, Doc. 170.
33	CN-34	CN-35	Isle of Wight County Training Log	Rule 401; Rule 802; MIL	Admissible hearsay pursuant to Rule 803(4) and 803(6). Plaintiff incorporates his arguments and objections in opposition to Motion in Limine, Doc. 170.